

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 06-C-269  
(97-CR-225)**

**DERRICK DEWAYNE TURNER,**

**Movant.**

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**DECISION AND ORDER**

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In 1999, this Court entered judgment against the movant, Derrick Turner (“Turner”), for (1) conspiracy to distribute and possess, with the intent to distribute, in excess of five kilograms of cocaine, methamphetamine, and cocaine base; and (2) possession with intent to distribute cocaine and cocaine base. Turner’s conviction was affirmed on appeal. *See United States v. Turner*, 203 F.3d 1010 (7th Cir. 2000). On January 9, 2002, this Court denied Turner’s motion brought pursuant to 28 U.S.C. § 2255.

On September 26, 2005, Turner filed a motion to vacate the judgment entered against him. Turner brought that motion pursuant to Rules 12(h) and 60(b) of the Federal Rules of Civil Procedure. In an order dated March 6, 2006, the Court re-characterized that filing as an unauthorized, successive motion and dismissed it for lack of jurisdiction. Now before the Court is Turner’s motion to reconsider, received by the Court on March 20, 2006.

In his motion, Turner simply rehashes the same arguments that failed to convince this Court in the first instance. Turner has failed to raise any viable legal arguments to support his claim that the Court lacked jurisdiction over his criminal trial. Furthermore, he has failed to raise any substantive objections to this Court's re-characterization of his motion as an unauthorized, successive attempt to assail his conviction. The Court's reasoning, as set forth in its decision of March 6, 2006, is undisturbed.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:**

Defendant's Motion for Reconsideration for Clear Error is **DENIED**.

Dated at Milwaukee, Wisconsin this 19th day of June, 2006.

**BY THE COURT**

s/ Rudolph T. Randa \_\_\_\_\_  
**Hon. Rudolph T. Randa**  
**Chief Judge**